

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

Item No. 2  
Mtg. Date May 16, 2017  
Dept. City Manager's

Item Title: **Ordinance No. 445 Amending Park Regulations (Chapter 12.20 of the Lemon Grove Municipal Code)**

Staff Contact: **Miranda Evans, Management Analyst**

**Recommendation:**

- 1) Introduce Ordinance No. 445 amending park regulations in Chapter 12.20 of the Lemon Grove Municipal Code (**Attachment C**).

**Item Summary:**

After receiving concerns from residents, the City's Park Ranger and law enforcement personnel regarding the safety of City parks, staff began researching changes in park regulations that will better protect the health and safety of residents and park visitors. This staff report provides a safety analysis of City parks, an overview of park regulations adopted by nearby jurisdictions, and staff's proposed recommendations for modifications to existing park regulations. Amendments include provisions related to hours of operation, the prohibition of alcohol possession and consumption and the prohibition of smoking marijuana and marijuana-related products.

The staff report (**Attachment A**) outlines the proposed changes in detail.

**Fiscal Impact:**

There is a fiscal impact associated with the cost of purchasing new signage for all City parks.

**Environmental Review:**

- |  |   |
|--|---|
| <input type="checkbox"/> Not subject to review                       | <input type="checkbox"/> Negative Declaration           |
| <input checked="" type="checkbox"/> Exempt, Sections 15308 and 15321 | <input type="checkbox"/> Mitigated Negative Declaration |

**Public Information:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> None                     | <input type="checkbox"/> Newsletter article                       | <input type="checkbox"/> Tribal Government Consultation Request |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Notice to property owners within 500 ft. |   |

**Attachments:**

- A. Staff Report
- B. Lemon Grove Public Parks Map
- C. Ordinance No. 445



# Attachment A

## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 2

Mtg. Date May 16, 2017

Item Title: **Ordinance No. 445 Amending Park Regulations (Chapter 12.20 of the Lemon Grove Municipal Code)**

Staff Contact: Miranda Evans, Management Analyst

### Background:

The City of Lemon Grove is committed to providing residents with quality of life enhancements and maintaining safe, family-friendly parks for the enjoyment of residents and visitors. The City currently maintains eight public parks of varying size (**Attachment B**) including larger parks (e.g. Berry Street Park and Lemon Grove Park) and smaller parks (e.g. Firefighter's Skatepark and Veterans' Park). Parks provide diverse opportunities for physical activity and relaxation as well as a space for social gatherings and informal social interaction. Residents have expressed ongoing concern with park safety as it relates to lack of lighting and alcohol possession and consumption. In response to these safety concerns, City staff analyzed municipal park regulations as adopted in the following East County jurisdictions: the City of El Cajon, the City of La Mesa, the City of San Diego, the County of San Diego and the City of Santee. Based on this research, staff recommends amending the park regulations to include amendments to the hours of operation to allow for park usage from dawn to dusk year-round, the prohibition of the possession and consumption of alcohol and the prohibition of smoking marijuana and marijuana-related products in all parks. The results of this analysis are further explained in staff's report.

### Discussion:

The following discussion provides a park safety analysis, overview of current park regulations, overview of regulations adopted by nearby jurisdictions, recommendations for modifications to existing park regulations and a proposed implementation and enforcement plan.

#### *Safety*

Park safety is critical to providing quality recreational opportunities for residents and park visitors. According to Sheriff's Department data, over the period from 2014-2016, calls for service (CFS) and deputy initiated actions (DIAs) have increased 33% at Lemon Grove Park (2271 Washington Street) which also hosts the most activity among City parks. Berry Street Park (7071 Mt. Vernon Street) received the second highest recorded amounts of CFS and DIAs. Dan Kunkle Park (8105 Lemon Grove Way) and Firefighter's Skatepark (3062 School Lane) experienced a lower recorded amount of CFS and DIAs than the larger parks. Generally, the highest CFS call groups are for suspicious activity, miscellaneous calls and disturbance calls. The miscellaneous call classification encompass a variety of calls that can include calls regarding abandoned vehicles, illegal camping, ordinance violations, unknown trouble, etc. Disturbance calls also have a variety of classifications including calls from disturbances created by an argument, party noises, fights and altercations, juvenile gatherings, etc. These top recurring call groups are indicative of the types of public nuisances caused by alcohol consumption and other underlying factors.

Residents have expressed concern over inadequate lighting in parks. Amending park hours to limit usage to dawn until dusk will eliminate the need for additional lighting infrastructure in parks. Additionally, enforcing park hours of dawn to dusk year-round will hopefully eliminate or significantly reduce the majority of calls that Sheriff's deputies respond to and will better allocate

# Attachment A

their time and resources. In 2016, Sheriff's deputies engaged in an increased amount of CFS and DIAs between the hours of 6:00 p.m. and 12:00 a.m. In 2016, 50.69% of all CFS and DIAs at Lemon Grove Park occurred during that time frame. 46% of all CFS and DIAs occurred at Berry Street Park during this time frame, and Dan Kunkle Park experienced 34% of calls during that time frame.

During the summer of 2014, the Institute for Public Strategies (IPS) conducted an environmental assessment on six parks in Lemon Grove. Kunkle Park, Lemon Grove Park, Berry Street Park, Firefighter's Skatepark, Civic Center Park and the Main Street Promenade Park were assessed over a two-day period. Five surveyors conducted the site assessments in the early morning hours on a Sunday and Monday to obtain a more accurate picture of the residual effects of the previous day's events. The surveyors indicate that throughout the six parks, litter was observed in the forms of cigarette butts, cigarette cartons, alcohol cans, containers, alcoholic bottle caps and single serve/airline sized alcohol bottles were present whether littered on the site or were noticeable inside the park trashcans.

A repeat park assessment recently took place this spring. Overall, the findings presented in a new report from IPS were similar to the 2014 environmental assessment results. The East County Community Change Project conducted 21 environmental scans on the same six parks listed above. All assessments occurred between six a.m. and 10 a.m. on Saturday, April 8, 2017. Each park was assessed at least twice by different assessors. Generally, assessors observed litter in the form of food wrappers, alcohol bottles, empty beer cans, beer bottle tops, cigarettes and cigarette cartons. Evidence of marijuana use was discovered at Kunkle Park and Firefighter's Skatepark. The Main Street Promenade Park was noted as "...by far the dirtiest park..." and it was "...especially littered with cigarette butts and other trash." At the Main Street Promenade Park, at least five individuals were observed openly drinking beer that morning. A tent was also seen, assumed to be evidence of illegal overnight camping. It is notable that of the six parks that were assessed, Civic Center Park was in the best condition and was described in the report as "...clean and well-maintained."

## *City of Lemon Grove Current Regulations*

Chapter 12.20 of the City's Municipal Code provides regulations for the operation of parks and facilities. Sections containing relevant information regarding hours of operation, alcohol consumption and smoking are outlined below.

### LGMC 12.20.050 Park Hours of Operation

Park hours of operation are established under section 12.20.050. Hours are specified as 6:00 a.m. to 9:00 p.m. during the months of April through October and hours change to 7:00 a.m. to 7:00 p.m. during the months of November through March. These hours generally coincide with the changes in dawn and dusk attributed to Daylight Saving Time; however, the varying time frames can create confusion for park goers and present some difficulty with enforcement.

### LGMC 12.20.080 Alcoholic Beverage Consumption and Possession:

The City currently has a partial ban on the consumption of alcohol in its public parks as outlined in LGMC 12.20.070 A and B. Under the provisions of those sections, glass containers and beer kegs are specifically disallowed in parks while cans and other non-glass containers of alcohol are permitted. LGMC 12.20.080 B limits the consumption of alcohol to be within the park itself and as such, drinking is currently prohibited in park restrooms, playgrounds, parking lots and the public streets adjoining the park.

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## LGMC 12.20.355 Smoking in Public Parks:

This section prohibits the smoking of tobacco and tobacco-related products, including electronic smoking devices. The smoking of marijuana and marijuana-related products is currently not prohibited within this section.

### *Regulations from Nearby Jurisdictions*

Regulations of nearby East County jurisdictions address many safety concerns related to providing safe and family-friendly parks for the public. A summary of the regulations enforced by the City of El Cajon, the City of La Mesa, the City of San Diego, the County of San Diego and the City of Santee are included below.

#### The City of El Cajon

The majority of the City of El Cajon's 14 parks are open daily from 7:30 a.m. – 10:30 p.m.; however, hours of operation at Kennedy Skatepark vary seasonally according to the El Cajon Municipal Code. Smoking and alcoholic beverages are prohibited in parks within El Cajon.

#### The City of La Mesa

The City of La Mesa boasts a total of 15 parks that are open to the public daily from 6:00 a.m. to 10:00 p.m. with the exception of one park that opens at 7:00 a.m. and closes one hour after dusk. Alcoholic beverages are not allowed in parks without a special one-day permit. A minimum of two-weeks is needed to obtain the permit and the associated cost is \$155.00.

#### The City of San Diego

The City of San Diego oversees more than 400 parks. Approximately 26 City of San Diego parks surround Lemon Grove southwest of city limits. To consume alcohol in a City of San Diego park, a modified Special Event Permit must be obtained at a cost of \$150. The City of San Diego has 5 skate parks and all are open from 10 a.m. to dusk every day. Smoking and alcohol are generally prohibited in parks; however, regulations vary from park to park.

#### The County of San Diego

The County of San Diego has over two dozen parks in San Diego County. Five parks and two parks and recreation facilities surround Lemon Grove generally located east of SR-125. The five parks are open from sunrise to sunset daily. The recreation facilities, The Spring Valley Gymnasium and the Spring Valley Community Center, both have limited hours Monday through Friday and are both closed on weekends. Generally, alcoholic beverages are permitted in County parks providing the alcohol content does not exceed 20%; however, the five parks east of Lemon Grove are all listed as alcohol-free parks.

#### The City of Santee

The City of Santee has eight public parks, six of which are open daily from dawn to dusk year-round. The remaining two parks are open from dawn to 10:00 p.m. Beer and wine are permitted in parks; however, alcohol is not permitted at two of the eight parks Monday through Friday without a City-issued special permit. Glass containers and keg beer are not permitted in parks.

## Recommended Amendments

Staff recommends that the City Council adopts an ordinance amending Chapter 12.20 Parks and Facilities as follows:

- 1) For purposes of eliminating confusion, allowing for ease of enforcement and the protection of the public health, safety and welfare, staff proposes to amend the park hours of operation as stated in LGMC 12.20.050 such that parks are open daily from dawn to dusk;

# Attachment A

- 2) Amend LGMC Section 12.20.070 to prohibit the possession and consumption of all alcoholic beverages. Currently under this section only glass containers and beer kegs are prohibited; and
- 3) Amend LGMC Section 12.20.355 to also prohibit the smoking of marijuana and marijuana-related products at any time within the boundaries of all City parks and designated parking areas.

These proposed amendments maintain consistent policies throughout all City parks which should prove beneficial for implementation and enforcement purposes. An exception to these regulations can be granted for City sponsored events.

## *General Plan Considerations*

The proposed amendments are consistent with the City's General Plan. Specifically:

- Safety Element Objective 5.0: A community where all residents feel secure and are not fearful of criminal activity; and
- Conservation and Recreation Element Objective 9.0: Parks and recreational facilities that are well maintained, safe and accessible to all residents.

## *Health and Wellness Considerations*

The proposed amendments are also consistent with the goals of the City's Health and Wellness Element. Specifically:

- Goal 1, Objective 1.1: Safe and comfortable public spaces that foster physical and social connections; and
- Goal 2, Policy 2: Continue to maintain landscape and building facades, remove graffiti, and clean up debris, trash and weeds on City property.

## *Implementation and Enforcement*

Should the City Council choose to adopt the new ordinance, staff has prepared an implementation program to begin the transition towards enforcing the new regulations in parks. The implementation plan will be comprised of four key components:

1. Signage: Signage citing the new park rules and consequences for violation will need to be installed at the entrance of every City park. Staff is researching an improved model for park signage to provide bilingual signs, minimize the number of signs present to eliminate confusion, improve clarity in the sign's message and present a unified appearance and theme City-wide.
2. Marketing: Residents and park visitors will be informed of the ordinance amendments through marketing. The new regulations will be shared on the City's website and social media channels. The annual summer concerts begin June 29<sup>th</sup> and movies in the park will begin July 14<sup>th</sup>. The new park regulations will be advertised on the event flyers and the new park signage will be posted in parks in preparation for the busy summer season.
3. Enforcement: Enforcement is a critical component of the implementation of these new regulations and the existing regulations that are already established yet are still being violated. Recently, the City's part-time Park Ranger was equipped with the ability to issue administrative citations. In addition, sheriff's deputies will continue to enforce violations. Under 12.20.370 of the LGMC, any person who knowingly or willingly violates the regulations is guilty of a misdemeanor or infraction as determined by the City Attorney.

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4. Programming: Park programming is an important tool for creating successful parks with a safe and family-friendly atmosphere. The City, City partners and community groups should continue to pursue opportunities to activate parks to provide free, family-friendly events that prioritize the health and wellness of children and families in Lemon Grove. |

### **Public Information:**

The proposed amendments are found to be exempt from the California Environmental Quality Act referencing Sections 15308 (actions by regulatory agencies for protection of the environment) and 15321 (enforcement actions by regulatory agencies).

### **Conclusion:**

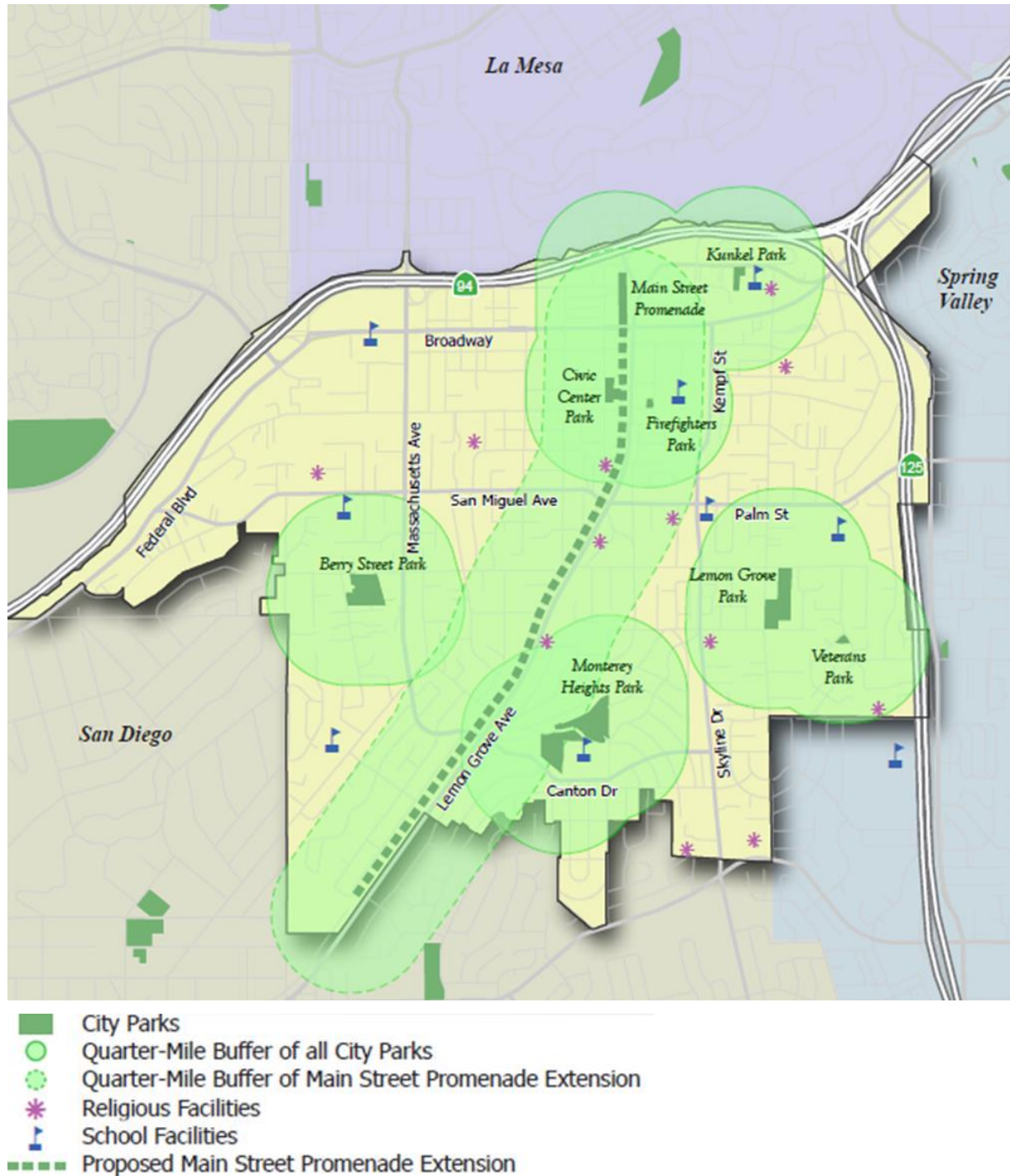
Staff recommends that the City Council: Introduce Ordinance No. 445 amending park regulations in Chapter 12.20 of the Lemon Grove Municipal Code. |





# Attachment B

## Lemon Grove Public Parks Map





## ORDINANCE NO. 445

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA AMENDING CHAPTER 12.20 OF THE LEMON GROVE MUNICIPAL CODE TO PROVIDE MODIFICATIONS TO PARK REGULATIONS**

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**WHEREAS**, Lemon Grove residents, City staff and law enforcement personnel have become increasingly concerned regarding the safety of City parks; and

**WHEREAS**, staff analyzed alcohol consumption and park regulations adopted by nearby East County jurisdictions; and

**WHEREAS**, the City of Lemon Grove maintains eight public parks and the proposed ordinance amendments are applicable to all eight parks; and

**WHEREAS**, it is in the interest of the health, welfare and safety of the people of the City of Lemon Grove to prohibit the possession and consumption of alcohol in City parks, the smoking of marijuana and marijuana-related products and to prevent park usage after dark thereby limiting the park hours of park operation from dawn to dusk; and

**WHEREAS**, these proposed amendments are beneficial for the City by supporting family-friendly opportunities for recreation and are similar to those of neighboring jurisdictions; and

**WHEREAS**, the proposed amendments are found to be categorically exempt from the environmental review requirements of the California Environmental Quality Act (Sections 15308 and 15321); and

**WHEREAS**, the proposed amendments are consistent with the General Plan, in accordance with Government Code Section 65860, as amended.

**NOW, THEREFORE**, amendments to Chapter 12.20, PARKS AND FACILITIES, establishing revised park regulations, are hereby added to the City of Lemon Grove Municipal Code to read as shown in Exhibit A.

**INTRODUCED** by the City Council on May 16, 2017.

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# Attachment C

## EXHIBIT A

### TEXT OF PROPOSED REGULATIONS

#### NOTE:

- Text proposed to be added is displayed in underlined type.
- Text proposed to be deleted is displayed in strikethrough type.

In the City of Lemon Grove Municipal Code to amend Parks and Facilities Regulations, Chapter 12.20, to read as follows:

#### Chapter 12.20 Parks and Facilities [Excerpts only]

##### Section 12.20.050 Hours of operation.

- A. It is unlawful to remain upon the grounds of any city park, or any part thereof, except between the hours of six a.m. to nine p.m. during the months of April through October, and during the hours of seven a.m. to seven p.m. during the months of November through March the hours of dawn to dusk. The director is authorized to alter the park closing hours stated herein above when determined necessary to protect public health, safety, or welfare. Any change in park hours shall be posted at each affected park site. Any alteration in park hours shall be made on a content-neutral basis and shall be solely based on threats to the health, safety and welfare of park users. If an alteration in park hours is claimed to potentially impact the expressive rights of any park user, said affected individual may seek immediate judicial review of the change in park hours pursuant to California Code of Civil Procedure Section 1094.8.

##### Section 12.20.070 ~~Glass containers and beer kegs~~ Consumption of alcohol.

- A. ~~Except where expressly permitted under the terms of a lease, operating agreement or permit issued by the director,, it~~ It is unlawful to possess and consume all ~~glass container~~ alcoholic beverages within any city park, recreation facility or recreation area.
- B. ~~It is unlawful to possess a beer keg or any similar single container capable of containing or containing more than one gallon of beer classified as an alcoholic beverage within any city park, recreation facility, or recreation area. (Ord. 329, 2004)~~

##### Section 12.20.355 Smoking in public parks.

It is unlawful to possess a lighted or burning tobacco product or tobacco-related product, marijuana or a marijuana-related product, or use an electronic smoking device, as defined in Lemon Grove Municipal Code Chapter 8.24, at any time within the boundaries of any park, including designated parking areas of any city park. ~~(Ord. 430 § 3, 2015; Ord. 383 § 1, 2009)~~